UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,939	02/27/2004	Sergey Shokhor	08204/0200872-US0	9204

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F5 Networks, Inc.
c/o DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
NEW YORK, NY 10008-0770

EXAMINER
JEAN, FRANTZ B

ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
03/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 February 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-39</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This a first office action in response to application for patent filed on 02/27/04. Claims 1-

39 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Albert

et al. hereinafter "Albert US PUB Number 2003/0177389.

As per claim 1, Albert teaches an apparatus for managing access to a resource over a

network, comprising:

a transceiver (fig 3; client/server communication; 0072) arranged to receive a request

for access to the resource from a client device; and an integrity management

component, coupled to the transceiver, that is arranged to perform actions (fig 4, 423;

par 0073-0074; 0077), including:

providing a component to the client device (fig 4); employing the component to gather

integrity information associated with the client device, wherein the integrity information

is gathered at a plurality of times (par 0077-0078); forwarding the integrity information to

the apparatus; applying a dynamic policy for access to the resource based, in part, on

the forwarded integrity information (par 0077-0081); and if the applied policy indicates a

change in an integrity of the client device, performing a response based, in part, on the

applied policy (fig 4; par 0097-0099; 0078-0080).

As per claim 2, Albert teaches an apparatus of claim 1, wherein the policy is

manageable through a user interface at the apparatus (par 0077-0080).

As per claim 3, Albert teaches an apparatus of claim 1, wherein the integrity information

further comprises an indicator that at least one of an antivirus product is enabled on the

client device, a network sniffer is enabled, a screen scraper is enabled, a cracker tool is

enabled, a hacker tool is enabled, a firewall is enabled, a security application is

enabled, and a client certificate is available on the client device (fig 4; par 0074-0075).

As per claim 4, Albert teaches an apparatus of claim 1, wherein the integrity information

further comprises a version indicator associated with at least one of an application, a

process, and an operating system (par 0072-0075).

As per claim 5, Albert teaches an apparatus of claim 1, wherein the integrity information

further comprises at least one of information associated with a process currently

enabled on the client device, information associated with a sequence of system calls,

and whether a predetermined file has been modified (par 0080; 0061-0063).

As per claim 6, Albert teaches an apparatus of claim 1, wherein the integrity information

is gathered at a predetermined rate comprising at least one of a periodic rate, a random

rate, and an aperiodic rate (par 0077-0083; 0085).

As per claim 7, Albert teaches an apparatus of claim 1, further comprising:

sending a query request to the client device for selected information

about the integrity of the client device (par 0072-0075).

As per claim 8, Albert teaches an apparatus of claim 1, wherein forwarding the integrity

information further comprises at least one of compressing, and encrypting the integrity

information (0023 and 0085).

As per claim 9, Albert teaches an apparatus of claim 1, wherein the performed response

further comprises at least one of denying access to the resource, terminating a

connection, and restricting access to the resource (0049, 0052, 0078, 0103, and 0105).

As per claim 10, Albert teaches an apparatus of claim 1, wherein the performed

response further comprises providing a higher level of access to the resource (par 0078

and 0081).

As per claim 11, Albert teaches gathering integrity information in response to a

predetermined event (par 0085).

As per claim 12, Albert teaches a method of managing access to a resource over a

network, comprising:

receiving a request for access to the resource from a client device (fig 3; client/server

communication; 0072); receiving a first integrity information associated with the client

device (fig 4; par 0072-0075); evaluating one or more policies for access based, in part,

on the first integrity information (0077-0080); receiving a second integrity information

associated with the client device (fig 4; par 0074-0077); evaluating one or more policies

for access based, in part, on the second integrity information (par 0072-0077); and

performing a response based, in part, on a difference between the first integrity

information and the second integrity information (par 0077-0081).

As per claims 13-24, they have already been discussed in claims 1-12 above, therefore,

they are rejected under the same rationale.

As per claim 25, Albert teaches a system for managing access to a resource over a

network, comprising:

a client device configured to request access to the resource (fig 3-4); and

a server (fig 3-4), coupled to the client device that is configured to perform actions,

including:

receiving the request for access from a client device (fig 3; client/server communication;

0072); providing a component to the client device (fig 3-4; par 0072-0075); employing

the component to gather integrity information associated with the client device, wherein

the integrity information is gathered at a predetermined rate (0077-0081 and 0085);

receiving the integrity information at the predetermined rate from the component;

applying a dynamic policy for access based, in part, on the forwarded integrity

information (0077-0083 and 0085); and if the applied policy indicates a change in an

integrity of the client device, performing a response based, in part, on the applied policy

(par 0072-0083).

Claims 26-34 have already been discussed in the rejection of claims 1-12 and 25

above. Therefore, they are rejected under the same rationale.

As per claim 35, Albert discloses a secure socket layer (par 0065 and 0071).

As per claim 36, Albert teaches an apparatus of claim 31, further comprising logic for

enabling the secure communication access through a virtual private network employing

Internet Protocol Security (IPSec) (par 006, 0068 and 0071).

Claims 37-39 have already been discussed in the rejection of claims 1-12, 25 and 35-36

above. Therefore, they are rejected under the same rationale.

    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Frantz B. Jean whose telephone number is 571-272-

3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantz B. Jean/
Primary Examiner, Art Unit 2154